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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,792	12/30/2003	James K. Klang	C382.12-0143	2106
27367	7590	09/21/2006	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319				TSO, EDWARD H
		ART UNIT		PAPER NUMBER
		2838		

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/748,792	KLANG, JAMES K.
	Examiner	Art Unit
	Edward H. Tso	2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 April 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness (US 6,331,762) in view of Sakai et al. (US 5,905,915).

As to claim 1, Bertness discloses a method comprising: (a) measuring a dynamic parameter of the battery (Column 4, lines 44-50); (b) obtaining a discharge current of the battery (Figure 1, Element 26); (c) measuring a voltage of the battery (Element 24); (d) obtaining a temperature of the battery (element 37); and (e) the measured battery dynamic parameter, the discharge current, the measured battery voltage (Column 5, lines 59-67), the battery temperature (Column 9, lines 1-18), a full charge battery dynamic parameter and an estimated capacity of the battery (column 8, lines 52-58). The minimum terminal voltage value of the battery may be zero. Bertness does not expressly disclose predicting a remaining run time of the battery. Sakai discloses predicting a remaining run time of the battery (Column 46, lines 66-67). It would have been obvious to a person having ordinary skill in the art at the time of this invention to add the teachings of Sakai and predict and display the remaining run time of the battery.

with Bertness's energy management system so that the user can visually see the remaining time left for which the battery can be used.

As for Claim 2, which is dependent upon claim 1, Bertness further discloses wherein at least one of the measured battery dynamic parameter and the full charge battery dynamic parameter are adjusted such that the measured battery dynamic parameter and the full charge battery dynamic parameter are at a same temperature standard (column 7, lines 5-14) (column 9, line 13).

As to Claim 3, which is dependent upon claim 1, Bertness further disclose wherein the dynamic parameter measurement step (a) comprises determining a response of the battery to an applied current pulse (Column 5, lines 50-56).

As to Claim 4, which is dependent upon claim 1, Bertness further discloses wherein the measured battery dynamic parameter is battery conductance (Column 5, lines 60-62).

As to Claim 5, which is dependent upon claim 1, Bertness further discloses wherein the measured battery dynamic parameter is battery resistance (Column 5, lines 60-62).

As to Claim 6, Bertness in view of Sakai disclose a battery monitor implementing the method of claim 1 (See rejection of Claim 1).

As to Claim 7, which is dependent upon claim 6, Bertness in view of Sakai disclose the battery monitor carries out steps (a)-(e) iteratively.

As to Claim 8, Bertness in view of Sakai disclose a battery tester implementing the method of claim 1 (See rejection for claim 1).

As to Claim 9 Bertness discloses an apparatus comprising: a positive connector coupled to a positive terminal of the battery (figure 1, element 36A); a negative connector coupled to a negative terminal of the battery (element 36B) (Column 4, lines 15-18); a voltage sensor configured to measure a voltage of the battery (element 24); a temperature sensor configured to measure a temperature of the battery (element 37); a current sensor configured to measure a discharge current of the battery (Element 26); and processing circuitry configured to measure a dynamic parameter of the battery using the first and second connectors (Column 4, lines 44-50), the measured battery dynamic parameter, the discharge current, the measured battery voltage (Column 5, lines 59-67), the battery temperature (Column 9, lines 1-18), a full charge battery dynamic parameter and an estimated capacity of the battery (column 8, lines 52-58). Bertness does not expressly discloses predicting a remaining run time of the battery. Sakai discloses predicting a remaining run time of the battery (Column 46, lines 66-67). It would have been obvious to a person having ordinary skill in the art at the time of this invention to add the teachings of Sakai and predict and display the remaining run time of the battery with Bertness's energy management system so that the user can visually see the remaining time left for which the battery can be used.

As to claim 10, which is dependent upon claim 9, Bertness further discloses wherein processing circuitry is further configured to adjust at least one of the measured battery dynamic parameter and the full charge battery dynamic parameter such that the measured battery dynamic parameter and the full charge battery dynamic parameter are at a same temperature standard (Column 7, lines 5-14) (Column 9, line 13).

As to Claim 11, which is dependent upon claim 9, Bertness further discloses a forcing function configured to apply a current pulse to the battery, wherein the processing circuitry is configured to measure the dynamic parameter by determining a response of the battery to an applied current pulse (Column 5, lines 50-56).

As to Claim 12, which is dependent upon claim 9, Bertness further discloses wherein the measured battery dynamic parameter is battery conductance (Column 5, lines 60-62).

As to Claim 13, which is dependent upon claim 9, Bertness further discloses wherein the measured battery dynamic parameter is battery resistance (Column 5, lines 60-62).

As to Claim 14, which is dependent upon claim 9, Bertness discloses wherein the positive connector is a first Kelvin connector and the negative connector is a second Kelvin connector (Elements 36A and 36B) (Column 4, lines 15-18).

As to Claim 15, which is dependent upon claim 9, Sakai further discloses an output configured to display the remaining run time of the battery (Figure 2, Element R1) (Column 47, lines 1-7).

### ***Response to Arguments***

Applicant's arguments filed 4/21/06 have been fully considered but they are not persuasive. While it is true that the references don't touch on the minimum terminal voltage value of the battery, the references used in the rejection are still applicable to

the claims when the minimum value is zero. Applicant admits that any value of the minimum terminal voltage may be used (remark on 4/21/06 page 5).

***Conclusion***

This is an RCE of applicant's earlier application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to the Examiner at the below-listed number on every Tuesday, Thursday and Saturday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Karl Easthom, can be reached at (571) 272-1989 on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (571) 272-2800, Monday-Friday, 8:30am to 5:00pm, EST.

By:



EDWARD H TSO  
Primary Examiner  
(571) 272-2087